

Application No. 10/566,201

Filed: January 27, 2006

TC Art Unit: 1638

Confirmation No.: 8282

STATUS OF THE CLAIMS

1. (Currently Amended) A recombinant nucleic acid containing at least a first nucleotide sequence operably linked to at least a second nucleotide sequence containing a transgene to be expressed, wherein the first nucleotide sequence contains a the regulatory sequence selected from the group consisting of SEQ-ID-No. 1, shown in SEQ-ID-No. 2, and a biologically active derivative thereof.
2. (Currently Amended) The recombinant nucleic acid according to claim 1, wherein the regulatory sequence is a selectively inducible promoter sequence—selectively inducible by chemicals.
3. (Canceled)
4. (Currently Amended) The recombinant nucleic acid according to claim 32, wherein the promoter sequence is selectively inducible by a compound~~organic compounds are selected from~~ the group consisting of phenolic compounds, thiamine, benzoic acid, isonicotinic acid (INA), and derivatives thereof.
5. (Original) The recombinant nucleic acid according to claim 4, wherein the phenolic compound is salicylic acid or a structural or functional derivative thereof.
6. (Previously Presented) The recombinant nucleic acid according to claim 1, further containing a reporter system

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NRINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 543-2290
FAX. (617) 451-0313

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which comprises at least one nucleotide sequence, wherein the expression/transcription of said nucleotide sequence results in a detectable signal.

7. (Previously Presented) A vector containing the recombinant nucleic acid according to claim 1.
8. (Previously Presented) A host organism containing the recombinant nucleic acid according to claim 1.
9. (Original) The host organism according to claim 8, which is selected from the group consisting of a bacteria cell and a plant cell.
10. (Original) A transgenic plant containing at least the recombinant nucleic acid according to claim 1.
11. (Original) The transgenic plant according to claim 10, wherein the recombinant nucleic acid is stably integrated into the genetic material.
12. (Previously Presented) The transgenic plant according to claim 10, wherein the transgene contained in the second nucleotide sequence is transiently expressed.
13. (Currently Amended) The transgenic plant according to claim 10, wherein the expression of the transgene contained in the second nucleotide sequence is selectively induced upon treatment with chemicals inducible.

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14. (Currently Amended) The transgenic plant according to claim 13, wherein the expression of the transgene is induced by chemicals ~~are selected from the group consisting of organic compounds~~ a compound selected from the group consisting of phenolic compounds, thiamine, benzoic acid, isonicotinic acid (INA), and derivatives thereof.
15. (Withdrawn) A method for detecting the activity of a regulatory sequence in suitable cells, comprising
- (a) preparing transformed cells, comprising at least a nucleotide sequence coding for the Bax gene or a biologically active derivative thereof, operably linked to a nucleotide sequence comprising a potential regulatory sequence,
 - (b) treating the transformed cells with a chemical,
 - (c) measuring the expression of the Bax gene or the biologically active derivative thereof in the transformed cells, and
 - (d) correlating the Bax expression with the activity of the regulatory sequence.
16. (Withdrawn) The method according to claim 15, wherein the regulatory sequence is a promoter sequence.
17. (Canceled)
18. (Withdrawn) The method according to claim 15, wherein the transformed cells form at least part of a transgenic plant.

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19. (Withdrawn) The method according to claim 15, wherein the expression of the Bax gene is detected as necrotic area in the plant.
20. (Previously Presented) A host organism containing the vector according to claim 7.
21. (Previously Presented) The host organism according to claim 20, which is selected from the group consisting of a bacteria cell and a plant cell.
22. (Previously Presented) The transgenic plant according to claim 11, wherein the transgene contained in the second nucleotide sequence is transiently expressed.
23. (Currently Amended) The transgenic plant according to claim 11, wherein the expression of the transgene contained in the second nucleotide sequence is selectively inducible~~induced upon treatment with chemicals.~~
24. (Currently Amended) The transgenic plant according to claim 23, wherein the expression of the transgene is induced by chemicals~~are selected from the group consisting of organic compounds~~ a compound selected from the group consisting of phenolic compounds, thiamine, benzoic acid, isonicotinic acid (INA), and derivatives thereof.

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25. (Previously Presented) The recombinant nucleic acid according to claim 5, further containing a reporter system which comprises at least one nucleotide sequence, wherein the expression/transcription of said nucleotide sequence results in a detectable signal.
26. (Previously Presented) A vector containing the recombinant nucleic acid according to claim 25.
27. (Previously Presented) A host organism containing the recombinant nucleic acid according to claim 25.
28. (Previously Presented) A host organism containing the vector according to claim 26.
29. (Withdrawn) A method for detecting the activity of a regulatory sequence in suitable cells, comprising
- (a) preparing transformed cells, comprising at least a nucleotide sequence coding for the Bax gene or a biologically active derivative thereof, operably linked to a nucleotide sequence comprising a potential regulatory sequence,
 - (b) treating the transformed cells with a chemical selected from the group of claim 3,
 - (c) measuring the expression of the Bax gene or the biologically active derivative thereof in the transformed cells, and
 - (d) correlating the Bax expression with the activity of the regulatory sequence.

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WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

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30. (Withdrawn) A method for detecting the activity of a regulatory sequence in suitable cells, comprising
- (a) preparing transformed cells, comprising at least a nucleotide sequence coding for the Bax gene or a biologically active derivative thereof, operably linked to a nucleotide sequence comprising a potential regulatory sequence,
 - (b) treating the transformed cells with a chemical selected from the group of claim 5,
 - (c) measuring the expression of the Bax gene or the biologically active derivative thereof in the transformed cells, and
 - (d) correlating the Bax expression with the activity of the regulatory sequence.
31. (Withdrawn) The method according to claim 30, wherein the transformed cells form at least part of a transgenic plant.
32. (Withdrawn) The method according to claim 31, wherein the expression of the Bax gene is detected as necrotic area in the plant.
33. (Withdrawn) The host organism according to claim 20, which is selected from the group consisting of a bacteria cell and a plant cell.